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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/735,721

12/13/2000

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05/16/2007

EXAMINER

JUSKA, CHERYL ANN

ART UNIT

PAPER NUMBER

1771

MAIL DATE

DELIVERY MODE

05/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/735,721		ABRAMS, LOUIS BROWN	
	<b>Examiner</b>		<b>Art Unit</b>	
	Cheryl Juska		1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,16-37,40-42,44 and 48-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,16-25,44,48,50,54 and 55 is/are allowed.
- 6) ☒ Claim(s) 26-37,40-42,49,51-53,56 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/07, 04/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed February 15, 2007, has been entered. The specification and claims 51 and 52 have been amended as requested. Claims 3-15, 38, 39, 43, and 45-47 are cancelled. Thus, the pending claims are 1, 2, 16-37, 40-42, 44, and 48-57.
2. Said amendment is sufficient to withdraw the objection to the specification as set forth in section 5 of the last Office Action (11/15/06). Additionally, said amendment renders moot the objection to claim 38 and the 112, 1<sup>st</sup> rejection of claims 43 and 45 as set forth in sections 6 and 8 of the last Office Action. Furthermore, said amendment is sufficient to withdraw the 112, 1<sup>st</sup> rejection of claims 51 and 52 as set forth in section 9 of the last Office Action.
3. Despite these advances, the application is not in condition for allowance for the reasons set forth below.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 26-37, 40-42, 49, 51-53, 56, and 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Claim 26 is indefinite for the use of the phrase "...sheet engaging free ends of the flock." It is unclear how the ends of the flock that contact said sheet can be considered the "*free* ends of the flock." The phrase "free ends of the flock" is only relevant when describing flock that has one of its fiber ends not in contact with an adhesive or substrate. It is suggested that applicant amend the claims to describe the flock ends as "first ends of the flock" and "opposing second ends of the flock" or something similar. Claims 29, 51, 52, and 53 are similarly rejected. Claims 27-37, 40-42, 49, 56, and 57 are rejected for their dependency upon claims 26 and 53.

***Allowable Subject Matter***

7. Claims 19-24 are allowed for the reasons of record. Claims 32-37 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claims 1, 2, 16-18, 25, 44, 48, 50, 54, and 55 are allowed. Claims 26-31, 40-42, 49, 51-53, 56, and 57 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. In addition to the reasons set forth in section 11 of the last Office Action, the following comments are made.

9. While it was previously stated that claims were allowable over said Abrams reference (section 12 of the last Office Action), this statement was in error. Note section 12 states "one would not be motivated to substitute a *thermosetting* sheet for the combination of binder adhesive and hot melt adhesive of the Abrams invention and/or for

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the hot melt adhesive layer while also omitting the binder adhesive layer.” This statement is in error since the present application is not drawn to a thermosetting sheet, but rather a thermoplastic hot melt sheet. The statement should have read:

An obviousness rejection of the claims over Abrams in view of Higashiguchi or any other art is not proper since *one would not be motivated to omit the binder adhesive layer required by Abrams.*

Note independent claim 26 excludes the presence of Abrams’ binder adhesive since the claim limits the flock to being “in direct physical contact with the thermoplastic hot melt sheet.” Therefore, claims 1, 2, 16-18, 25, 44, 48, 50, 54, and 55 are allowed, while claims 26-31, 40-42, 49, 51-53, 56, and 57 contain allowable subject matter.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Terrel Morris can be reached at 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CHERYLA JUSKA  
PRIMARY EXAMINER

cj  
May 13, 2007